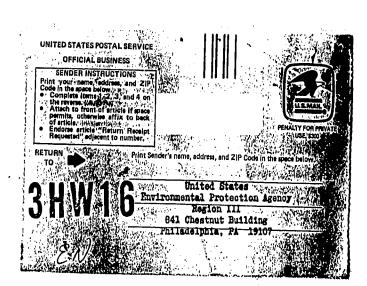
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AUG 31 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stanley Twardus Twardus & Sons Road #3, Box 592 Milford,DE 19963

Re: Army Creek Landfill Superfund Site

Dear Mr. Twardus:

The United States Environmental Protection Agency (EPA or Agency), by this letter, notifies you that you are a Potentially Responsible Party (PRP) for contamination at the Army Creek Landfill Superfund site, New Castle County, Delaware. EPA has information indicating that you owned Twardus & Sons at the time Twardus & Sons either transported to or disposed of waste at the Army Creek Landfill (also known as Llangollen Landfill).

EPA has determined that action at the site is necessary. EPA encourages your participation in the activities described below. As further described below, EPA hereby requests that you notify EPA, within fourteen (14) calendar days of receipt of this letter, whether you are interested in participating in this project. If we do not hear from you by that time, EPA will assume that you will not participate in the project.

Under Sections 106(a) and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sections 9606(a) and 9607(a) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public faw No. 99-499, 100 Stat. 1613 (October 17, 1986) (SARA), responsible parties may be obligated to implement any needed relief actions as determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release of hazardous substances at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site, and enforcement.

Under Section 107(a) of CERCLA, responsible parties are liable for the cost of response actions. Responsible parties include: 1) present owners or operators of the site; 2) owners or operators at the time of disposal; 3) any persons who arranged for disposal or treatment of hazardous substances at the site; and, 4) transporters of hazardous substances to the site. EPA's records indicate that Twardus & Sons is a responsible party under CERCLA Section 107(a)(4).

The EPA has expended public funds to investigate releases of hazardous substances at the Army Creek Landfill. EPA may spend additional public funds on action to further investigate and control those releases. Unless EPA determines that a PRP will properly perform such actions, EPA intends to do so pursuant to Section 104 of CERCLA, 42 U.S.C. Section 9604, and 40 C.F.R. Section 300.68.

On September 30, 1986, the EPA Regional Administrator signed a Record of Decision (ROD) for the first operable unit at the Army Creek site. The ROD required implementation of source controls, including a RCRA-type landfill cap and the continued operation of the downgradient recovery well network. Selection of a treatment alternative for the recovered groundwater and a decision on appropriate remedial measures for sediments in Army Creek will be the subject of a second operable upit ROD.

Specifically, EPA is planning to conduct the following studies at the Army Creek site unless an acceptable agreement can be reached:

- Remedial Investigation (RI) Further investigations to define the nature and extent of surface water and sediment contamination at the site.
- 2. Feasibility Study (FS) A study to evaluate potential remedial alternatives with emphasis on risk reduction through actions that utilize treatment to permanently and significantly reduce the toxicity, mobility, or volume of hazardous substances, pollutants, or contaminants.

In addition to the above studies, you may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health and welfare, or the environment. Such measures may include, without limitation:

- Implementing emergency removal actions, e.g., securing the site to prevent contact with any hazardous substances that may be present at the site and/or removal of contaminated material from the surface of the site;
- Implementing expedited response actions, non-time-critical removal actions taken when the Agency decides to implement a cleanup that does not require extensive study. This type of action must be clearly defined and limited in scope and duration;

- 3. Obdigating and instrumenting the Makenings to exitatly start and
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If you should decide to participate in the F1/FT or there, please indicate that interest in a letter to the APA project officer describing below within Counteen (14) calendar days of seceipt of this letter. Thus latter should indicate the appropriate name, address, and telephone with a for further contact with you. If MDA loss not hear from you by tent sime, TWA will assumn that you decline any involvement in the RIVES and will proceed with the appropriate atudies and any expedited response actions sended to second one side. Dan may later invite you to undertake the ledige and implementation of the selected remady upon the Agency's completion of the RIVES. If you are already involved in discussions with State or local pagnoristes, ingaged in voluntary action, or involved in a lawsuit regarding white size, put shoul! not interpret this letter to advise or direct you to restrict or discontinue any such activities. On the other hand, this litter should not be interpreted as endorating have each efforts. You should report, nonever, the abatus of those discussions or that action in your latter. You should also be award that this hite cannot be deleted from the CEMMA National Teaching Wist until the necessary remodial work has been concluded in a soor imposition tha emplosed RI/TS guidance and SPN's Mational Contingency Air.

Your letter should be addressed to:

Orio Mawman (3HW15) U. S. Environmental Protection Agency Region III DELMARVA/WW/DC CERCLA Remedial Enforcement deption 641 Chestnut Building Philadelphia, PA 19107

Chould you express a willingness to conduct in page Classe in the RI/FS, is identified above, RPA will refrain from expanding funds for the site for a veried of time so that maningful discussions concerning a located Order can take place.

In addition, under Section 122(e) of CERCIA, 42 U.S.C. 9622(e), responsible parties may be extended the opportunity to present a good-faith proposal to conduct the RI/FS to the Agency within sixty (60) days of receipt of a "special notice" letter. A special notice letter may be forwarded to you at such time that you have expressed some interest in participating in the RI/FS and the Agency determines that such notice would facilitate an agreement and expedite remedial action.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as a final agency position on any matter set forth herein.

This information request is not subject to Office of Management and Budget Review under the Paperwork Reduction Act, 44 U.S.C. Sections 3501-3520.

If you have any questions regarding the foregoing, please contact Mr. Newman at 215-597-9238.

Sincerely,

Stephen R. Wassersug, Director Hazardous Waste Management Division

cc: Brian Nishitani Office of Regional Counsel (3RC22)

Sugumne Canning
Office of Regional Counsel (3RC00)

Bruce M. Diamond, Director (
Office of Waste Programs Enforcement